

Lamprey Water Management Planning Area Committee Meeting
October 7, 2005
Raymond Fire Department
9:30 am - 11:50 am

Members Present:

Thomas Fargo
Brian Giles
Rep. Frank Bishop
Wesley East
Jay Odell
Robert Levesque

Members Absent:

Frank Reinhold
Mike Lynch
Sen. John S. Barnes, Jr
Michael King
Kevin Webb
Ann Caron
Glen Caron
Victoria Del Greco
James Duprie
James Fosburgh
Linda Fernald
Judith Spang
Therese Thompson

Others Present:

Dawn Genes Lamprey River Watershed Assoc.
Carl Paulsen NH Rivers Council

Contractors:

Don Kretchmer Normandeau Associates
Drew Trested Normandeau Associates
Piotr Parasiewicz U. Mass
Jennifer Jacobs UNH

DES Staff – Watershed Management Bureau:

Wayne Ives, Instream Flow Specialist
Mary Power, Executive Secretary- NH Coastal

Wayne Ives of DES opened the meeting at 9:30 am.

Introductions: Mr. Ives asked members to identify themselves and affiliation.

Presentation of Chair and Vice Chair: Tom Fargo, Chairman – Brian Giles, Vice Chair.

Review and acceptance of June 13, 2005 minutes: Ives asked members if there were any comments or revisions on the draft minutes. Hearing none he asked for a vote to accept the minutes as final. Minutes were unanimously approved.

Lamprey Pilot Program Tasks and the WMPAAC Role: Ives went through a Power Point presentation and explained all the acronyms used during this process. (Presentation is available on DES website <http://www.des.state.nh.us/rivers/instream/lamprey.asp?link=meetings&meet=wmpa>)

Ives then spoke about the objectives of the Protected In-stream Flow (PISF) Study. The first part of the objective is to identify what entities we are trying to protect and then to determine their flow needs. The objective of the second part, the Water Management Plan (WMP) is to implement those flows. There will be three sub-plans: 1) Water Conservation Plan is demand management. It will lower the overall demand by implementing reasonable conservation methods. 2) The Dam Management Plan uses dams for protected in-stream flow management as well as their primary uses. The dams may be raised or lowered a few inches in order to provide storage for discharge to maintain flows when water withdrawals are needed downstream. 3) The Water Use Plan means that affected water users have a plan that describes withdrawal operations and storage. For example, instead of withdrawing all the water needed in an hour, it may be spread out over an entire day to cause less impact. From the three sub-plans they will select applicable management actions and combine them to get a management plan that fits each water user and affected dam owner.

The project team for the Lamprey is led by Normandeau Associates who will manage certain tasks for the PISF and WMP. UNH and UMass will handle other tasks. They all have separate roles in the project. The Water Management Area Advisory Committee also has specified roles designated by the legislature to review and comment on water management plans. Here their role has been expanded to include review of the IPUOCRs. Another duty is an annual report due in November. Ives will write it and have that committee review it. It will summarize what the committee has done since last year and goes to the Governor, the legislature and to the state library. He continued by saying the steps in the PISF process will need to go through a public hearing which will allow for public comments. Hopefully all the comments will have been addressed through the committee review process. The results will be the actual protected flows. The Water Management Plan will look at where the problem areas are (three sub-plans described earlier) and develop plans for those areas. The public hearing will be held jointly with the legislature and then, ultimately, there will be a plan established and each Affected Water User and Affected Dam Owner will know what their part is in that plan.

Since the last WPAAC meeting (June 13, 2005) the contract with Normandeau Associates (NAI) has been approved by Governor and Council. Secondly, Task 1 has been completed (awaiting approval) and NAI has begun working on the assessment of groundwater interactions with surface water (Task 2). That will go to the Technical Review committee. Dawn Genes asked about Task 3. Ives explained it is an on-stream survey where the contractor goes into the field to look for the protected entities they identified in the draft list and locate where they are. Task 4 is a report that describes all the task 1 and 3 results. It will have the IPUOCR information and the results of the on-stream survey. He continued to explain task 2. Bob Levesque asked if there is a minimum or maximum distance from the river for wells. Ives said the In-stream Flow Rules state that wells that are 500 feet or more away from a river are

not included in this process unless the well has a discharge to the river. Ives said since they are assessing each well individually now that perhaps the 500' rule should be changed in some way or removed.

He continued by speaking about task 1, 3, 4 and 5. The committee will review the IPUOCR list for completeness and to be sure the flow-dependant list is accurate. He went into detail about the use of assessment methods to be used for the flow-dependent entities such as fish, wetlands and maintenance for recreational uses and said the resulting protected instream flow report will be used to create the Water Management Plan. Task 5 is the flow assessment process. This includes definition of a river community that is appropriate for a natural river in New England. The natural flow paradigm will support a balanced and integrated community with biological integrity. It should provide habitat for all of the appropriate biological entities, i.e., fish, insects and vegetation. Task 5 will also include mapping of the river and interpretation of aerial photography to identify the different types of habitat that exist under different flows. The natural flow paradigm will be implemented with the resulting protected flows. The WMPAAC needs to understand the concepts, the general assessment process, and attend the public hearing. Jay Odell asked if the fish survey would be done for all fish species. Ives said the survey includes about 5 to 7 representative species. Carl Paulsen asked what the role of the Technical Committee would have in the target fish community process. Ives said the Technical Review Committee will have a big role in it and he encourages this committee's interested members to attend the TRC meetings. Michelle Daley, UNH, asked if the survey will take into consideration any new species found. Ives said yes.

Ives went back to the Water Management Plan process and said at a certain stage in the process there will be draft plans laid out to see and ponder the range of possibilities. He said the critical part would be that members conclude that the Management Plan represents an even distribution of responsibility for the problems that are occurring. He underlined the importance of members' attendance at the public hearing so that they can hear and understand what other people are saying and have a voice in that process.

Ives went through the Lamprey timeline. Discussion followed including the statement by the contractor that there will be a Lamprey River website in the near future. Ives spoke about the defining legislation, the Rivers Management Protection Act, RSA 483, that set the need for in-stream flow and defined the protected entities. Then Senate Bill 330 created a legislative committee and discussion there resulted in House Bill 1449. House Bill 1449 set up the Pilot Program for the Lamprey and Souhegan and gave certain deadlines for that process. Those deadlines were changed by HB 4 in 2003 making the deadline two years later since there was no funding at that point.

Brian Giles asked what the future will be with the Instream Flow Program. Ives said after the pilots are completed there is a one year review period during which there will be another public hearing and the SB 330 committee will recommend legislative changes as to what has worked and what has not as a result of the public hearing. Carl Paulsen commented that the legislature is doing other studies on managing water resources so they may come up with something that will apply to all rivers in 2008. Tom Fargo asked if there was any reason why these two rivers were selected and wondered if there were problem areas to be discussed. Ives said the reason they were chosen was because they are small rivers therefore affordable to do them as a first test without spending a lot of money on something that may not work. They also saw that there were diverse types of water users and a moderate numbers of dams.

Mr. Ives encourages members and non-members to attend the Technical Review committee meetings.

Presentation: Lamprey IPUOCR entities - Don Kretchmer of Normandeau Associates said the purpose for their attendance of this meeting is to inform the members of the important resources for which flow needs will be developed (IPUOCRs). He said they will talk about the water users, dam owners, vegetation and wildlife, in-stream resources such as fisheries, mussels and insects, and groundwater issues. Kretchmer went on to say there are other protected uses such as navigation, recreation, fishing, storage and agricultural. All the uses of the river are in the mix and there may be conflicting flow needs. It will be sorted out later on, but for now anything that is determined to be flow-dependent is included. Once they develop the list of resources they will develop the protected in-stream flow which is the flow that protects and maintains the protected entities. The draft list was submitted to the committees for review and comment and the next step is to propose methods to determine the flow needs for the flow-dependent entities. Normandeau will develop a draft report to present to the Technical Review Committee in November (2005). He went on to describe the methods used during the survey. Brian Giles asked if it was just the designate reaches in Durham and Lee. Affirmative. Kretchmer explained how they determined the flow dependence. A member asked if a TMDL has been established. It was determined that it is being worked on and that the contractor will track the status. [A TMDL was conducted several years ago resulting in discharge requirements for the Epping WWTF. – cwi]

Drew Trested of Normandeau spoke about the wildlife and habitat as well as plant communities. He said the structure of the wetlands is dependent upon water levels which in most cases are dependent upon flows. He continued by talking about the floodplain forests and vernal pools which are important to the wildlife species for fall breeding and over wintering. The most important types of wildlife are the six species of turtles existing in the survey area. Discussion followed.

Piotr Parasiewicz of U. Mass said it is not difficult to prove that one of the IPUOCRs is flow-dependent or need flow for some portion of their life—freshwater mussels. There is much attention being paid to them throughout the country because the North America is a mecca of freshwater mussels having more than anyone else in the world. He continued by saying these animals are not only very sensitive to pollution but have very complex life cycle that require different types of flows. There are nine different species present in NH and six of those have been documented for the Lamprey. Stability of habitat as well as temperature and WQ are very important to these species. The larvae of freshwater mussels are parasitic and are transported by fish in the river so it is important to protect the habitat of the host fish. He said there was allot of work done in 2003 detailing what types of fish species are present or underrepresented in the river community and will guide the future management models.

Jennifer Jacobs of UNH spoke about the public water supply and the ground water. Durham has its water treatment plant on the Oyster River and they have a well in Lee. Newmarket has a surface water withdrawal that they use intermittently with their well fields. There are potential well sites in Lee and Newmarket. Discussion followed to include proposed plans for town's water supplies and water withdrawals. Ives said that part of this process is to ask the towns and planning commissions what their plans are for public water supplies. Chairman Fargo stated that the legislature passed a law that requires all water users within the state to report what is used.

Don Kretchmer spoke about the affected water users and dam owners which are the entities that influence flow in the designated reach. The ability to change flow in the Lamprey is limited, however there are opportunities. Many of the effected water users are up in the watershed and not on the designated reach. He listed the users.

Normandeau did a tour of the watershed in August and found there are no large dams with large bodies of water behind them. Many of the small lakes have cottages and camps whose owners assume there will be a full lake all summer, so the opportunity to draw those lakes down to provide water for the designated reach would cause problems. Discussion followed. Kretchmer said there will be a 7-foot drawn down of Pawtuckaway and Mendum's pond starting October 10, 2005. This will be a good opportunity to look at what that water pulse looks like as it goes through the designated reach. Discussion followed. Jay Odell asked if the Waste Water Treatment study is going to be included in Normandeau's analyses. He about the flow from Epping and plans for taking it out to the Gulf of Maine across all the watersheds and if it will be modeled. Kretchmer said it would be included. Mr.Odell would like to see the results.

Other Business - Mr. Ives suggested the next meeting's agenda include the Multi-Criteria Decision Analysis and, per suggestion from Chairman Fargo, a tour of the designated river and watershed. He suggested there be a discussion regarding the report that is due in November to the Governor's office. He asked for comments.

Members agreed that a tour would be good. Suggestion was to do a 3 to 4 hour tour. Ives said he would put together a schedule and a tentative date for the committee and contractors.

Adjourned 11:40 AM